

1-1 By: Lucio, Hinojosa S.B. No. 98  
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,  
1-3 read first time and referred to Committee on Higher Education;  
1-4 March 30, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; March 30, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 98 By: Duncan

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to establishing a health science center and medical school  
1-11 in South Texas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 74, Education Code, is amended by adding  
1-14 Subchapter N to read as follows:

1-15 SUBCHAPTER N. THE UNIVERSITY OF TEXAS HEALTH SCIENCE  
1-16 CENTER--SOUTH TEXAS

1-17 Sec. 74.751. HEALTH SCIENCE CENTER. (a) The board of  
1-18 regents of The University of Texas System may operate The  
1-19 University of Texas Health Science Center--South Texas as a  
1-20 component institution of The University of Texas System with its  
1-21 main campus and administrative offices in Cameron County. The  
1-22 health science center may consist of a medical school, as provided  
1-23 by Section 74.752, other health and health-related degree programs,  
1-24 and related programs and facilities as the board considers  
1-25 appropriate.

1-26 (b) The board of regents may include facilities located in  
1-27 Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Kleberg, Starr,  
1-28 Willacy, and Zapata Counties in the health science center and may  
1-29 operate programs and activities and provide related services of the  
1-30 center in those counties.

1-31 Sec. 74.752. MEDICAL SCHOOL. If The University of Texas  
1-32 Health Science Center--South Texas is established under Section  
1-33 74.751, The University of Texas Medical School--South Texas may be  
1-34 established as a component of the health science center and as a  
1-35 component institution of The University of Texas System under the  
1-36 management and control of the board of regents of The University of  
1-37 Texas System.

1-38 Sec. 74.753. PARTICIPATION IN AVAILABLE UNIVERSITY FUND.  
1-39 In accordance with Section 18(c), Article VII, Texas Constitution,  
1-40 if the Act enacting this section receives a vote of two-thirds of  
1-41 all the members elected to each house of the legislature, and if an  
1-42 institution is established under this subchapter, the institution  
1-43 is entitled to participate in the funding provided by Section 18,  
1-44 Article VII, Texas Constitution, for The University of Texas  
1-45 System.

1-46 Sec. 74.754. COURSES AND DEGREES; RULES. The board of  
1-47 regents may prescribe courses leading to customary degrees and may  
1-48 adopt rules for the operation, control, and management of the  
1-49 health science center as may be necessary for the conduct of a  
1-50 medical school and other health science center programs of the  
1-51 first class.

1-52 Sec. 74.755. AFFILIATION AGREEMENTS; JOINT APPOINTMENTS.  
1-53 (a) The board of regents may execute and carry out affiliation or  
1-54 coordination agreements with any other entity or institution in the  
1-55 region.

1-56 (b) The board of regents may make joint appointments in the  
1-57 health science center, its component institutions, and other  
1-58 institutions under the board's governance. The salary of a person  
1-59 who receives a joint appointment shall be apportioned to the  
1-60 appointing institutions on the basis of services rendered.

1-61 Sec. 74.756. GIFTS AND GRANTS; OTHER FUNDING. (a) The  
1-62 board of regents may accept and administer gifts and grants from any  
1-63 public or private person or entity for the use and benefit of the

2-1 health science center and its component institutions.

2-2 (b) Notwithstanding any other provision of this subchapter,  
 2-3 establishment of the health science center is subject to the  
 2-4 availability of funding, either through appropriation or from  
 2-5 another source.

2-6 Sec. 74.757. OTHER FACILITIES. In addition to the  
 2-7 facilities of the health science center and its component  
 2-8 institutions, the board of regents may enter into agreements under  
 2-9 which additional facilities used in the center's teaching and  
 2-10 research programs, including libraries, auditoriums, research  
 2-11 facilities, and medical education buildings, may be provided by a  
 2-12 public or private entity.

2-13 Sec. 74.758. TEACHING HOSPITAL. A teaching hospital  
 2-14 considered suitable by the board of regents for the health science  
 2-15 center may be provided by a public or private entity. The hospital  
 2-16 may not be constructed, maintained, or operated with state funds.

2-17 Sec. 74.759. COORDINATING BOARD SUPERVISION. The health  
 2-18 science center is subject to the continuing supervision of the  
 2-19 Texas Higher Education Coordinating Board under Chapter 61 and to  
 2-20 the rules of the coordinating board adopted under Chapter 61.

2-21 Sec. 74.760. EFFECT OF HEALTH SCIENCE CENTER ON LOWER RIO  
 2-22 GRANDE VALLEY ACADEMIC HEALTH CENTER. (a) The board of regents  
 2-23 may convert the regional academic health center established under  
 2-24 Subchapter L into The University of Texas Health Science  
 2-25 Center--South Texas and may establish The University of Texas  
 2-26 Medical School--South Texas at the health science center as soon as  
 2-27 the board considers appropriate considering available resources  
 2-28 and the best interests of The University of Texas System and the  
 2-29 people of this state and the South Texas region. In establishing  
 2-30 the health science center and medical school, the board of regents  
 2-31 shall ensure that the programs, students, and faculty and staff of  
 2-32 the regional academic health center are not affected other than as  
 2-33 the board considers necessary to implement this subchapter.

2-34 (b) It is the intent of the legislature that The University  
 2-35 of Texas Health Science Center--South Texas and its component  
 2-36 institutions be established by conversion of the regional academic  
 2-37 health center established under Subchapter L and that those  
 2-38 entities be considered to be the same institution. A reference in  
 2-39 law to the regional academic health center applies to The  
 2-40 University of Texas Health Science Center--South Texas to the  
 2-41 extent it can be made applicable. All contracts and agreements,  
 2-42 including bonds and other financial obligations, entered into by  
 2-43 The University of Texas System or any of its officers or employees  
 2-44 relating to the regional academic health center apply to The  
 2-45 University of Texas Health Science Center--South Texas when the  
 2-46 health science center is established.

2-47 (c) The permanent endowment fund established under Section  
 2-48 63.101 for the benefit of the regional academic health center  
 2-49 established under Subchapter L is transferred to the benefit of The  
 2-50 University of Texas Health Science Center--South Texas and its  
 2-51 component institutions when the health science center is  
 2-52 established. It is the intent of the legislature that the transfer  
 2-53 of the permanent endowment fund be made so as not to interrupt the  
 2-54 research or other programs supported by distributions from the  
 2-55 fund.

2-56 SECTION 2. Section 55.1732, Education Code, is amended by  
 2-57 adding Subsection (e) to read as follows:

2-58 (e) Bonds authorized or issued under this section for the  
 2-59 regional academic health center established under Section 74.611  
 2-60 are considered to have been authorized or issued for The University  
 2-61 of Texas Health Science Center--South Texas and its component  
 2-62 institutions if the health science center is established.

2-63 SECTION 3. Subdivision (5), Section 61.003, Education Code,  
 2-64 is amended to read as follows:

2-65 (5) "Medical and dental unit" means The University of  
 2-66 Texas Medical Branch at Galveston; The University of Texas  
 2-67 Southwestern Medical Center at Dallas; The University of Texas  
 2-68 Medical School at San Antonio; The University of Texas Dental  
 2-69 Branch at Houston; The University of Texas M. D. Anderson Cancer

3-1 Center; The University of Texas Graduate School of Biomedical  
3-2 Sciences at Houston; The University of Texas Dental School at San  
3-3 Antonio; The University of Texas Medical School at Houston; The  
3-4 University of Texas Health Science Center--South Texas and its  
3-5 component institutions, if established under Subchapter N, Chapter  
3-6 74; the nursing institutions of The University of Texas System; and  
3-7 The University of Texas School of Public Health at Houston; and such  
3-8 other medical or dental schools as may be established by statute or  
3-9 as provided in this chapter.

3-10 SECTION 4. Subsection (c), Section 63.002, Education Code,  
3-11 is amended to read as follows:

3-12 (c) The amount available for distribution from the fund may  
3-13 be appropriated only for programs that benefit medical research,  
3-14 health education, or treatment programs at the following  
3-15 health-related institutions of higher education:

- 3-16 (1) The University of Texas Health Science Center at  
3-17 San Antonio;
- 3-18 (2) The University of Texas M. D. Anderson Cancer  
3-19 Center;
- 3-20 (3) The University of Texas Southwestern Medical  
3-21 Center at Dallas;
- 3-22 (4) The University of Texas Medical Branch at  
3-23 Galveston;
- 3-24 (5) The University of Texas Health Science Center at  
3-25 Houston;
- 3-26 (6) The University of Texas Health Science Center at  
3-27 Tyler;
- 3-28 (7) The University of Texas Health Science  
3-29 Center--South Texas and its component institutions, if established  
3-30 under Subchapter N, Chapter 74;

- 3-31 (8) The Texas A&M University Health Science Center;
- 3-32 ~~(9) [48]~~ the University of North Texas Health Science  
3-33 Center at Fort Worth;
- 3-34 ~~(10) [49]~~ the Texas Tech University Health Sciences  
3-35 Center; and
- 3-36 ~~(11) [410]~~ Baylor College of Medicine, if a contract  
3-37 between Baylor College of Medicine and the Texas Higher Education  
3-38 Coordinating Board is in effect under Section 61.092.

3-39 SECTION 5. Subsection (a), Section 65.02, Education Code,  
3-40 is amended to read as follows:

3-41 (a) The University of Texas System is composed of the  
3-42 following institutions and entities:

- 3-43 (1) The University of Texas at Arlington, including:  
3-44 (A) The University of Texas Institute of Urban  
3-45 Studies at Arlington; and  
3-46 (B) The University of Texas School of Nursing at  
3-47 Arlington;
- 3-48 (2) The University of Texas at Austin, including:  
3-49 (A) The University of Texas Marine Science  
3-50 Institute;  
3-51 (B) The University of Texas McDonald Observatory  
3-52 at Mount Locke; and  
3-53 (C) The University of Texas School of Nursing at  
3-54 Austin;
- 3-55 (3) The University of Texas at Dallas;
- 3-56 (4) The University of Texas at El Paso, including The  
3-57 University of Texas School of Nursing at El Paso;
- 3-58 (5) The University of Texas of the Permian Basin;
- 3-59 (6) The University of Texas at San Antonio, including  
3-60 the University of Texas Institute of Texan Cultures at San Antonio;
- 3-61 (7) The University of Texas Southwestern Medical  
3-62 Center at Dallas, including:  
3-63 (A) The University of Texas Southwestern Medical  
3-64 School at Dallas;  
3-65 (B) The University of Texas Southwestern  
3-66 Graduate School of Biomedical Sciences at Dallas; and  
3-67 (C) The University of Texas Southwestern Allied  
3-68 Health Sciences School at Dallas;
- 3-69 (8) The University of Texas Medical Branch at

4-1 Galveston, including:  
4-2 (A) The University of Texas Medical School at  
4-3 Galveston;  
4-4 (B) The University of Texas Graduate School of  
4-5 Biomedical Sciences at Galveston;  
4-6 (C) The University of Texas School of Allied  
4-7 Health Sciences at Galveston;  
4-8 (D) The University of Texas Marine Biomedical  
4-9 Institute at Galveston;  
4-10 (E) The University of Texas Hospitals at  
4-11 Galveston; and  
4-12 (F) The University of Texas School of Nursing at  
4-13 Galveston;  
4-14 (9) The University of Texas Health Science Center at  
4-15 Houston, including:  
4-16 (A) The University of Texas Medical School at  
4-17 Houston;  
4-18 (B) The University of Texas Dental Branch at  
4-19 Houston;  
4-20 (C) The University of Texas Graduate School of  
4-21 Biomedical Sciences at Houston;  
4-22 (D) The University of Texas School of Health  
4-23 Information Sciences at Houston;  
4-24 (E) The University of Texas School of Public  
4-25 Health at Houston;  
4-26 (F) The University of Texas Speech and Hearing  
4-27 Institute at Houston; and  
4-28 (G) The University of Texas School of Nursing at  
4-29 Houston;  
4-30 (10) The University of Texas Health Science Center at  
4-31 San Antonio, including:  
4-32 (A) The University of Texas Medical School at San  
4-33 Antonio;  
4-34 (B) The University of Texas Dental School at San  
4-35 Antonio;  
4-36 (C) The University of Texas Graduate School of  
4-37 Biomedical Sciences at San Antonio;  
4-38 (D) The University of Texas School of Allied  
4-39 Health Sciences at San Antonio; and  
4-40 (E) The University of Texas School of Nursing at  
4-41 San Antonio;  
4-42 (11) The University of Texas M. D. Anderson Cancer  
4-43 Center, including:  
4-44 (A) The University of Texas M. D. Anderson  
4-45 Hospital;  
4-46 (B) The University of Texas M. D. Anderson Tumor  
4-47 Institute; and  
4-48 (C) The University of Texas M. D. Anderson  
4-49 Science Park; and  
4-50 (12) The University of Texas Health Science  
4-51 Center--South Texas, including The University of Texas Medical  
4-52 School--South Texas, if established under Subchapter N, Chapter 74.  
4-53 SECTION 6. No funds for a state fiscal biennium ending on or  
4-54 before August 31, 2015, may be appropriated for the purposes of  
4-55 Subchapter N, Chapter 74, Education Code, as added by this Act,  
4-56 other than funds appropriated for the regional academic health  
4-57 center established under Section 74.611, Education Code.  
4-58 SECTION 7. This Act takes effect immediately if it receives  
4-59 a vote of two-thirds of all the members elected to each house, as  
4-60 provided by Section 39, Article III, Texas Constitution. If this  
4-61 Act does not receive the vote necessary for immediate effect, this  
4-62 Act takes effect September 1, 2009.

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